

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 32819 of 2006(F)

PETITIONER:

**C.M.BINDU, W/O.RAJEEVAN,
AGED 30 YEARS, (FORMER HIGH SCHOOL ASSISTANT
(PHYSICAL SCIENCE), MATTANNUR HIGHER SECONDARY
SCHOOL, (RESIDING AT LAKSHMI NIVAS, KAYALLOOR,
CHAVASSERY, KANNUR DISTRICT)).**

**BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT ANNEX, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT EDUCATIONAL OFFICER,
TELLICHERRY, P.O.TELLICHERRY,
KANNUR DISTRICT.**
- 3. THE MANAGER,
MATTANNUR HIGHER SECONDARY SCHOOL,
MATTANNUR, KANNUR DISTRICT.**
- 4. SRI.C.SUJITH KUMAR,
UPPER PRIMARY SCHOOL ASSISTANT,
MATTANNUR HIGHER SECONDARY SCHOOL,
P.O.MATTANNUR, KANNUR DISTRICT.**

R1 & R2 BY GOVT. PLEADER (SHRI A.J. VARGHESE)

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 32819 OF 2006 F

Dated this the 11th December, 2006

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner was first appointed as HSA (Physical Science) in a leave vacancy on 18.9.2000 which was approved and she became a Rule 51A claimant. Under Ext.P1 amendment, a Rule 51A claimant is entitled to same or higher or lower category of post to which he/she is qualified. According to petitioner, she is entitled to the vacancy which arose on 2.6.2006 in the lower category under Ext.P1 amendment. Her complaint is that, the third respondent Manager has instead appointed the fourth respondent. Petitioner addressed Ext.P3 before second respondent. Heard the learned Government Pleader also. In such circumstances, the

Writ Petition is disposed of directing second respondent to consider and take a decision on Ext.P3 in accordance with law, after hearing petitioner and respondents 3 & 4, within a period of six weeks from the date of production of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.